

IN RE: PETITION FOR ZONING VARIANCE
THE MARGATE, FORMALLY SECTION 3,
VALLEY GATE
W/S Green Tree Road
1590' N of c/l Hooks Lane
3rd Election District
3rd Councilmanic District
Petitioner: Margate Joint Venture
Lovell Homes, Inc.
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO.: 93-368A
* (Item No.: 374)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner and property owner request a variance from sections 1801.2.C2.a (V.B.5.a. - C.M.D.P.) to allow dwellings with windows within 30 ft of a tract boundary in lieu of the required 35 ft; Section 1801.2.C2.b (V.B.6.c. - C.M.D.P.) to allow a minimum distance of 30 ft between centers of facing windows of different buildings in lieu of the required 40 ft. The Comprehensive Manual Development Policy (C.M.D.P.) is adopted pursuant to Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petitioner/developer was represented at the hearing by Benjamin Bronstein, Esquire. Also appearing in support of the Petitioner was Richard E. Smith of KCI Technologies, Inc., project engineers for the site. There were no protestants present.

The proffered testimony by the Petitioner's counsel reveals that the subject tract is a triangular parcel of land consisting of 3.3 acres more or less on the west side of Greene Tree Road northerly of the Festival at Woodholme Shopping Center in the 3rd Election District. The subject property was part of the Valley Gate subdivision; however, it was bisected from the original tract by the construction of Greene Tree Road. Valley Gate has been

improved by large detached single family homes.

The Petitioner seeks to develop this parcel with garage townhouses consistent with Greene Tree which is located on the east side of Greene Tree Road opposite the subject property and Gray Rock, adjoining the subject property on the north. These two subdivisions are being developed with townhouses with interior garages.

The subject site is constrained by the storm water management pond, the current alignment of Castleon Avenue, on the south and a triangular configuration. The Petitioner seeks the variances in order to develop the subject property in a manner compatible with the Gray Rock and Greene Tree subdivisions. Although it is anticipated Castleon Avenue will be closed and/or realigned in the future, it cannot be done in a timely manner with the Petitioner's development. By securing the variances which will permit placing the units closer to the rear boundary line and closer to each other, Petitioner will also be able to construct townhouses with interior garage units and a landscape berm along the Greene Tree Road frontage of the subdivision.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

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- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of June, 1993 that a variance from Sections 1801.2.C2.a B.C.Z.R. (V.B.5.a. - C.M.D.P.) to allow dwellings with windows within 30 ft of a tract boundary in lieu of the required 30 ft and Sections 1801.2.C2.b B.C.Z.R. (V.B.6.c. - C.M.D.P.) to allow a minimum distance of 30 ft between centers of facing windows at different buildings in lieu of the required 40 ft. in accordance with Petitioner's Exhibits 1 and 2 be and is hereby GRANTED subject however to the following restrictions which are conditions precedent to the granted relief herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall submit a landscape plan in compliance with the Baltimore County Landscape Manual.

Timothy J. Kotroco
TIMOTHY J. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/8/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/8/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 6/8/93
By [Signature]

ATTACHMENT TO PETITION FOR VARIANCE 93-368-A

1801.2.C2.a and 504 (V.B.5.a - C.M.D.P.) to allow dwellings with windows within 30 ft of a tract boundary in lieu of the required 35 ft; Section 1801.2.C2.b (V.B.6.c - C.M.D.P.) to allow a minimum distance of 30 ft between centers of facing windows of different buildings in lieu of the required 40 ft.



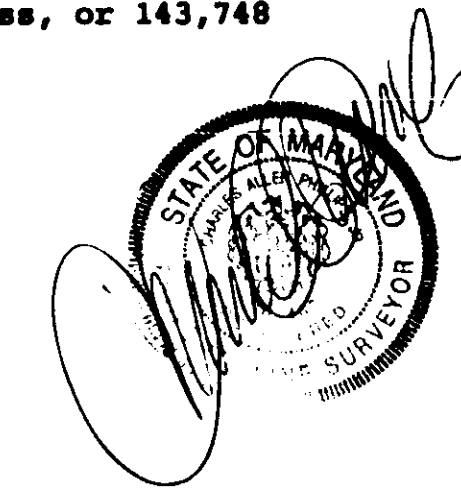
DESCRIPTION
THE MARGATE
3.3 ACRE, MORE OR LESS PARCEL
WEST SIDE OF GREENE TREE ROAD, NORTH OF HOOK'S LANE
ELECTION DISTRICT 3
BALTIMORE COUNTY, MARYLAND

This description is to accompany the petition for yard variances.

BEGINNING for the same on the west side of Greene Tree Road, said point of beginning being 1,590 feet, more or less northerly from the center line of Hook's Lane thence continuing to bind on the west side of Greene Tree Road (1) North 08 degrees 32 minutes 34 seconds West 671.55 feet to intersect the northwest outline of the whole tract, thence southwesterly the two following courses and distances, (2) South 36 degrees 04 minutes 45 seconds West 27.29 feet and (3) South 25 degrees 28 minutes 08 seconds West 716.13 feet to intersect the north boundary line of the "Festival at Woodholme" property (shown and recorded on the First Amended Plat, SM57-79), thence binding on said line North 89 degrees 23 minutes and 34 seconds East 423.80 feet to the place of beginning.

Containing 3.3 acres of land, more or less, or 143,748 square feet, more or less.

KCI Job No. 01-76055G



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 8, 1993

(410) 887-4386

Benjamin Bronstein, Esquire
29 West Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Green Tree Road, 1590' N of the c/l of Hooks Lane
(The Margate)
3rd Election District - 3rd Councilmanic District
Margate Joint Venture, et al - Petitioners
Case No. 93-368-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy J. Kotroco
TIMOTHY J. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

cc: People's Counsel

File

Petition for Variance #374 93-368-A to the Zoning Commissioner of Baltimore County for the property located at West side of Greene Tree Road 1590 ft northerly center line of Hooks Lane which is presently zoned Dr3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

see attached sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Configuration of site
2. For such reasons as may be demonstrated at the time of hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner: Benjamin Bronstein
By: George and Bronstein

(Type or Print Name)

9 West Susquehanna Ave., Suite 205

Towson, MD 21204 (410) 296-0200

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that there are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s): Margate Joint Venture

Lovell Homes, Inc.

(Type or Print Name)

Signature

Jackson C. Kochen, President

(Type or Print Name)

Address

City State Zipcode

Suite 200

9030 Red Branch Road (310) 997-7222

Address Phone No.

Columbia Maryland 21045

City State Zipcode

Name, Address and phone number of legal owner, contact purchaser or representative to be contacted:

Gary Watts

KCI Technologies

1020 Cromwell Bridge Road 321-5500

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Responsible for Hearing

the following date: 6/22/93 Next Two Months

ALL OTHER

REVIEWED BY: THK DATE: 6/22/93

ORDER RECEIVED FOR FILING
Date 6/8/93
By [Signature]

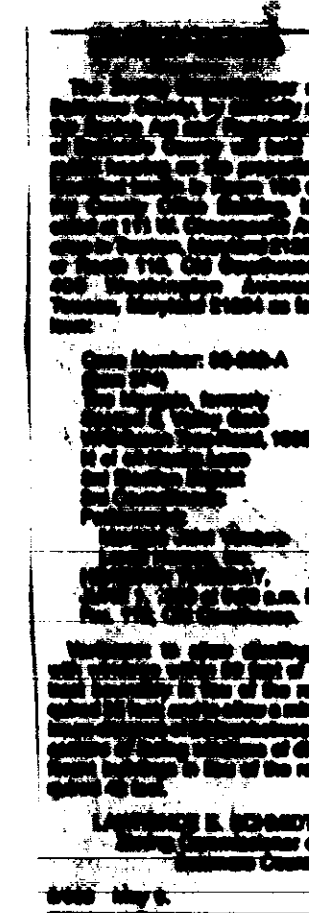
CERTIFICATE OF PUBLICATION

TOWSON, MD. Slc 10 93

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Slc 10 93

THE JEFFERSONIAN,

S. Zeki Orlan
Publisher



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

4/20/93

Margate Joint Venture
Lovell Homes, Inc. - w/o of Green Tree Rd. &
1570 Rd. north of intersection
of Hooks Lane

#020 - Variance - 250.00
#080 - 1 Sign - 35.00
Total - 285.00

03A0380112ACCRCC \$285.00
BA C009157A04-20-93
Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 12/15/94 ACCOUNT: 001-6150

AMOUNT: \$ 40.00 (HUT)

RECEIVED FROM: Bonable, Bastier & Howard

#710 - VERIFICATION

FOR: #93-368-A

"#08080262MICRRC \$40.00
BA-C011447A04-15-94
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

93-368-A (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 374
Petitioner: Margate Joint Venture
Location: w/o of Green Tree Road, 1570 Rd. N. of Hooks Lane
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Margate Joint Venture
ADDRESS: 9030 Red Branch Rd., Suite 207
Columbia, MD
PHONE NUMBER: (310) 997-7222

AJ:ggg (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

APRIL 30, 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-368-A (Item 374)
The Margate, formerly Section 3, Valley Gate
W/S Green Tree Road, 1570' W of c/o Hooks Lane
3rd Election District - 3rd Councilmanic
Petitioner(s): Margate Joint Venture Lovell Homes, Inc.
HEARING: TUESDAY, JUNE 1, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to allow dwellings with windows within 30 feet of a tract boundary in line of the required 35 feet; and to allow a minimum distance of 30 feet between centers of facing windows of different buildings in line of the required 40 feet.

Arnold Jablon
Arnold Jablon
Director

cc: Margate Joint Venture Lovell Homes, Inc.
Gary Watts/ACE Technologies
Benjamin Bronstein, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 24, 1993 (410) 887-3353

Benjamin Bronstein, Esquire
Evans, George and Bronstein
29 West Susquehanna Avenue STE 205
Towson, MD 21204

RE: Case No. 93-368-A, Item No. 374
Petitioner: Margate Joint Venture
Lovell Homes, Inc.
Petition for Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on April 20, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 7, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
for May 10, 1993
Item No. 374

The Development Plan Review Section has reviewed the subject zoning item. The landscape calculations shown on the plan are inaccurate and the planting plan does not comply with the Landscape Manual. Any proposed fencing must be at 10 feet off any right-of-way. Full Landscape Manual review is required prior to release of permits.

RWB:DAR:s

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kasoff
Administrator

4-29-93

Re: Baltimore County
Item No: 4374 (MJK)

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Telephone for Impaired Hearing or Speech
303-7646 Baltimore Metro - 888-5451 D.C. Metro - 1-800-495-5282 Statewide Toll Free
787 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 10, 1993
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item No. 374.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*
Division Chief: *Carol L. Keene*

PK/JL:lw

374.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 3, 1993
Captain Jerry Pfeifer
Fire Department

FROM: Comments for 05/10/93 Meeting

SUBJECT: Comments for 05/10/93 Meeting

Item 374	Townhouses for which the initial building permit is applied for after 07/01/92 shall be sprinklered.
Item 375	No Comments
Item 376	No Comments
Item 377	No Comments
Item 378	No Comments
Item 379	No Comments
Item 380	No Comments
Item 381	No Comments
Item 382	No Comments
Item 383	No Comments
Item 384	No Comments
Item 385	No Comments

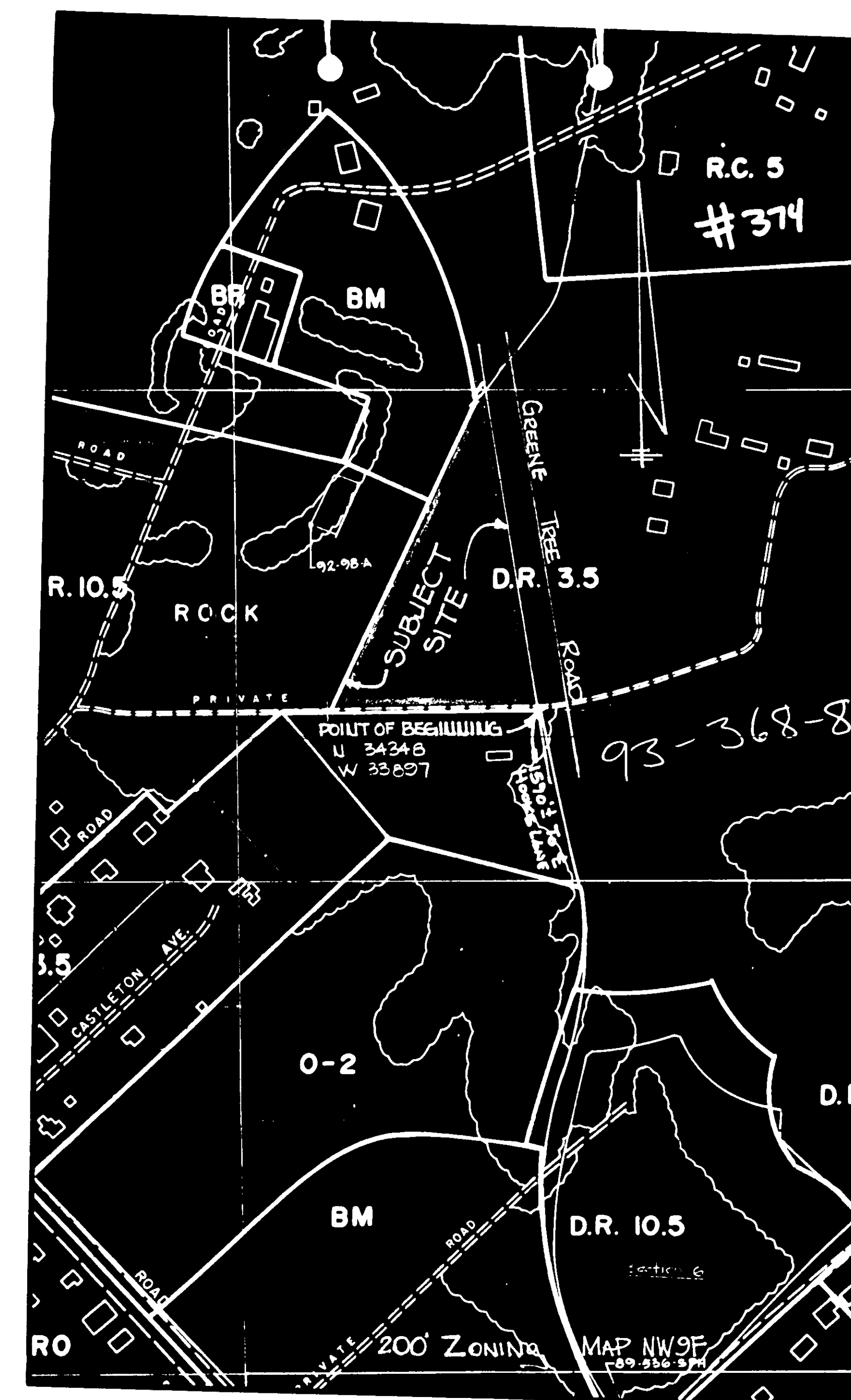
RECEIVED
MAY 4 1993
ZADM

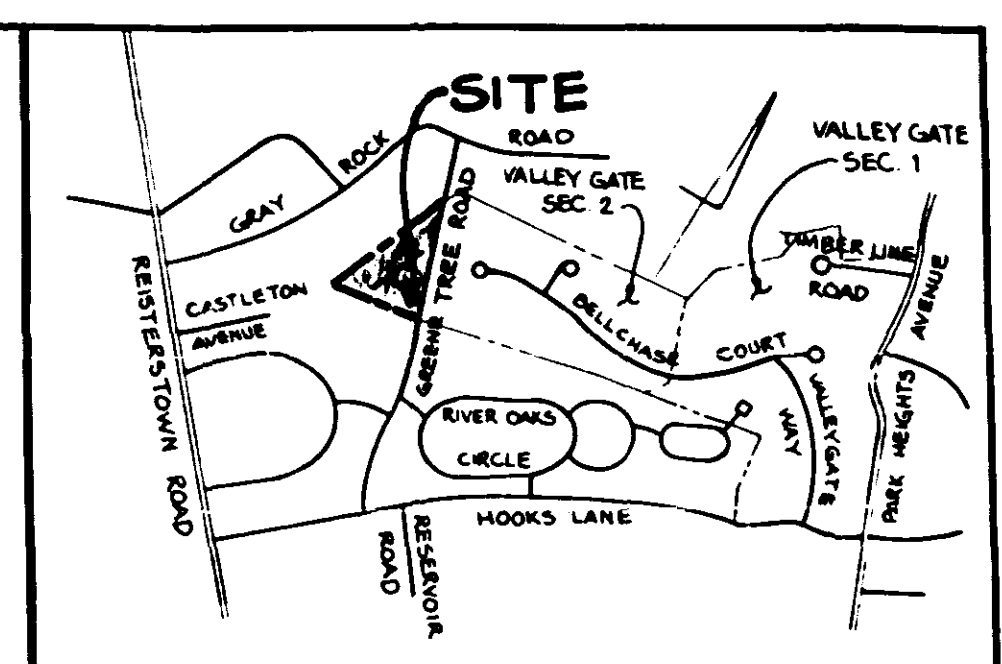
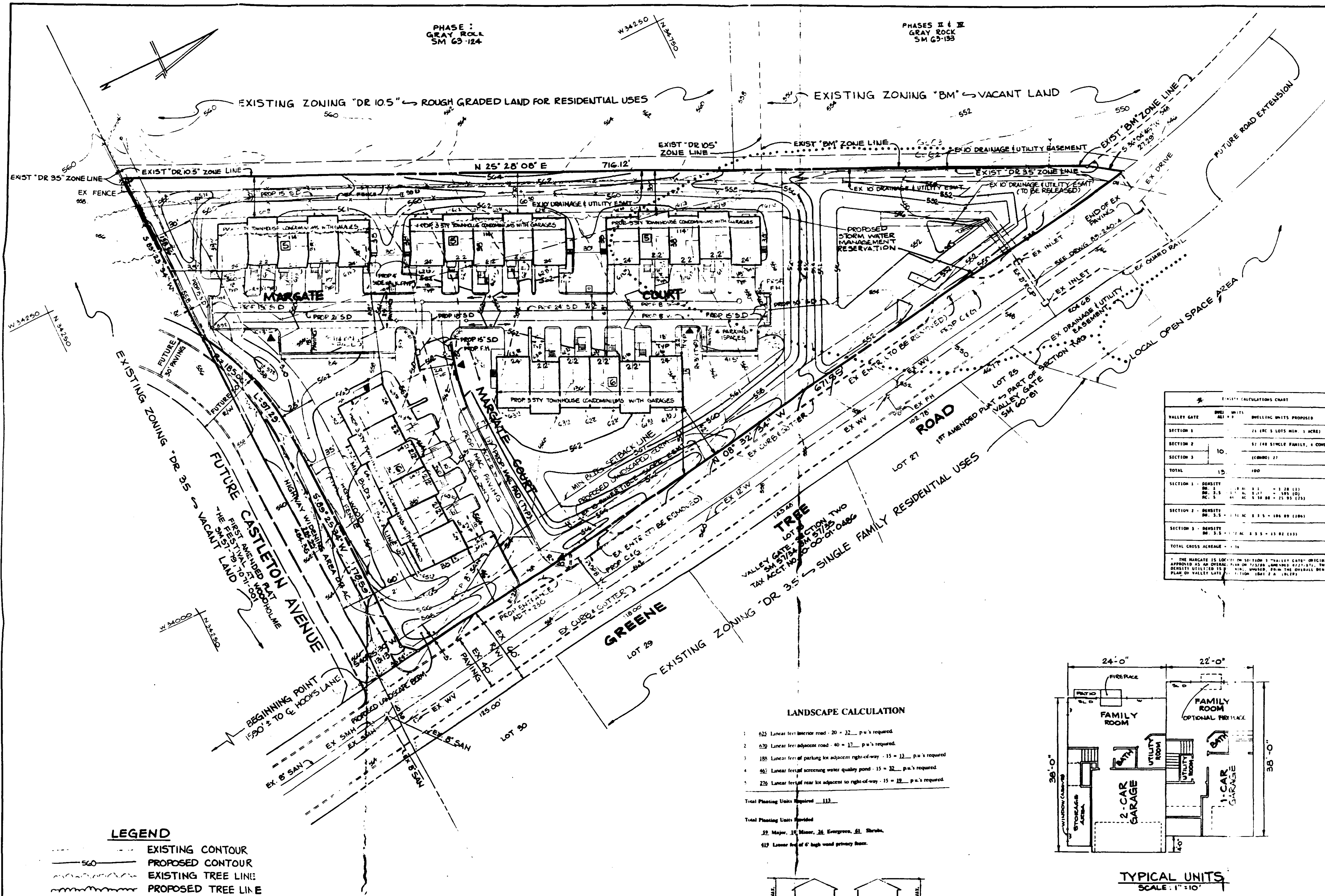
CP3-008

ZADM

Mitchell J. Kellman
Planner II

KCI TECHNOLOGIES, INC.
1020 CROMWELL BRIDGE RD. 21204
29 W SUSQUEHANNA AVE
TOWSON MD 21204



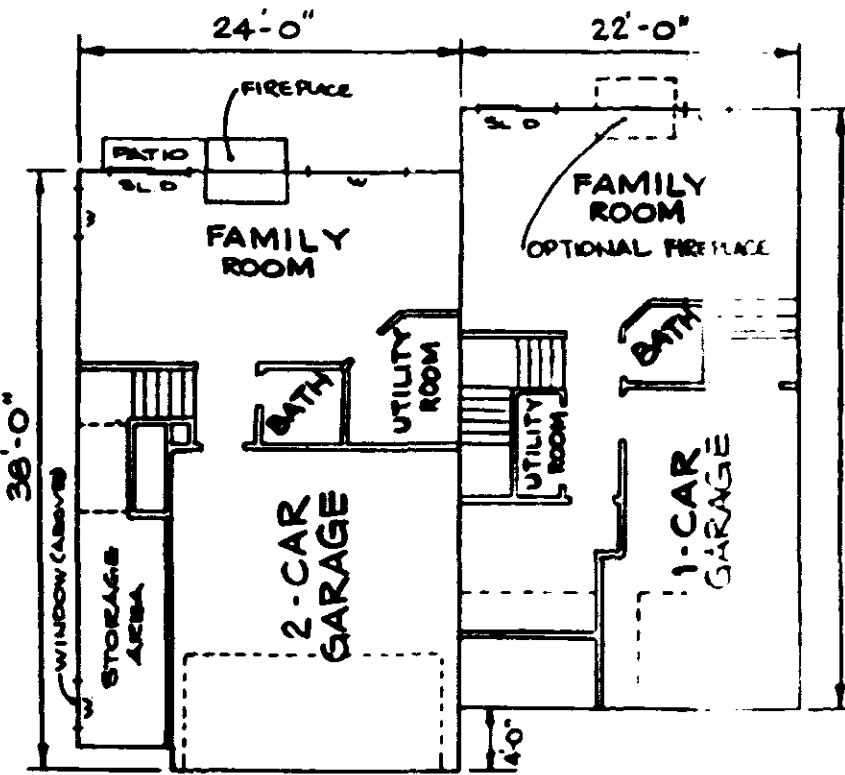


LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES

1. GROSS AREA - 3.72 ACRES
2. NET AREA - 3.30 ACRES
3. NO. OF UNITS ALLOWED - 27 (SEE DENSITY CALCULATIONS CHART THIS SHEET)
4. NO. OF UNITS PROPOSED - 27
5. ALL UNITS SHOWN ARE CONDOMINIUM UNITS AND ARE FOR SALE
6. COMMON OPEN SPACE REQUIRED
SECTION 1 - NONE
SECTION 2 - 52' x 650' = 0.78 AC
SECTION 3 - 27' x 650' = 0.40 AC
TOTAL REQUIRED - 1.18 AC
PROVIDED SECTION 2 = 337' x 118' (OWNED & MAINTAINED BY HOA)
7. ALL ROADS AND UTILITIES WITHIN THE PROJECT ARE TO BE PRIVATE
8. ALL ROADS, DRIVEWAYS AND PARKING AREAS WILL BE PAVED WITH A DURABLE DUSTLESS SURFACE (BITUMINOUS CONCRETE)
9. PARKING REQUIRED - 2 SPACES PER DWELLING UNIT (2.27) x 27 = 61.34 (GARAGE, 1 DRIVEWAY)
10. PARKING PROPOSED - 17 x 2 = 34 (GARAGE, 1 DRIVEWAY) 10 x 4 = 40 (2 GARAGE, 2 DRIVEWAY) ON STREET - 15 TOTAL - 87 SPACES PROPOSED
11. 3RD ELECTION DISTRICT
12. COUNCILMANIC DISTRICT - 3
13. CENSUS TRACT 403101
14. WATERSHED - 21
15. SUBSEWER SHED - 65
16. TAX ACCOUNT NO. 20-00-01-0486 LIBER 258/FOLIO 098-102
17. AVERAGE DAILY TRIPS - 27 x 85 = 2295 (USED 280)
18. TRASH COLLECTION WILL BE PROVIDED BY A PRIVATE CONTRACTOR
19. EXISTING ZONING - DR 35
20. ENVELOPES OR MINIMUM BUILDING SETBACK LINE SHOWN HEREIN ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO SIDE YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS)
21. THIS DEVELOPMENT PLAN COMPLIES WITH THE CRG PLAN AND ALL CRG COMMENTS
22. A LANDSCAPE PLAN MUST BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF A BUILDING PERMIT
23. NO ARCHEOLOGICAL SITES APPEAR ON THE ARCHEOLOGICAL SITE MAP FOR BALTIMORE COUNTY FOR THIS PROPERTY. THERE ARE NO KNOWN WETLANDS OR FLOOD PLAINS ON THIS SITE
24. NO HISTORIC BUILDINGS APPEAR ON THE MARYLAND HISTORIC TRUST INVENTORY MAP FOR THIS SITE
25. THIS SITE HAS NOT BEEN IDENTIFIED AS A KNOWN, ALLEGED OR POTENTIAL HAZARDOUS WASTE SITE
26. THERE ARE NOT ANY CRITICAL AREAS WITHIN THIS SITE TO OUR KNOWLEDGE
27. THERE ARE NO ENDANGERED SPECIES HABITATS ON THIS SITE TO OUR KNOWLEDGE
28. ENTIRE TRACT UNDER SAME OWNERSHIP
29. THERE ARE NO PROPOSED OR EXISTING WELL AREAS ON THIS SITE
30. THERE ARE NO PROPOSED OR EXISTING SEPTIC AREAS ON THIS SITE
31. ALL OFF SITE SINGLE FAMILY DWELLINGS WITHIN 300' AND RECORDED LOTS LESS THAN 2 ACRES WHICH CREATE AN R.T.A. ARE SHOWN WITH THEIR RESPECTIVE ARC'S

* DENSITY CALCULATIONS CHART			
VALLEY GATE	ARC	UNIT	DWELLING UNITS PROPOSED
SECTION 1	21	(RC 5 LOTS MIN. 1 ACRE)	21
SECTION 2	52	(14 SINGLE FAMILY, 4 CONDO)	52
SECTION 3	10	(CONDO) 27	10
TOTAL	15		100
SECTION 1 - DENSITY	21	21	21
SECTION 2 - DENSITY	52	52	52
SECTION 3 - DENSITY	10	10	10
TOTAL GROSS AVERAGE	15		100



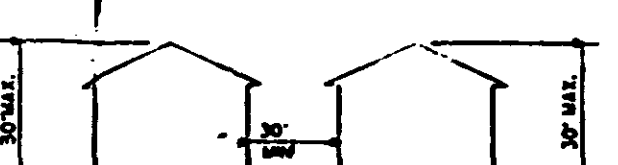
TYPICAL UNITS
SCALE: 1" = 10'

LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING TREE LINE
- PROPOSED TREE LINE
- PROPOSED MAIL PAD
- PROPOSED STREET LIGHT
- SOILS LIMIT

LANDSCAPE CALCULATION

1. Linear feet interior road - 20' = 22' p.a. required
 2. Linear feet exterior road - 40' = 12' p.a. required
 3. Linear feet of parking lot adjacent right-of-way - 15' = 12' p.a. required
 4. Linear feet of screening water quality pond - 15' = 12' p.a. required
 5. Linear feet of rear lot adjacent to right-of-way - 15' = 12' p.a. required
- Total Planting Units Required - 113
- Total Planting Units Provided
- 32 Major, 18 Minor, 24 Emergent, 21 Shrub,
 - 112 Linear feet of 6' high wood privacy fence



*** NOTE:**
ZONING VARIANCE CASE # 93-368-A
GRANTED 6/8/99

*** NOTE:**
VARIANCE FROM SECTIONS 1801.2 C2 & B.C.Z.R. (V.B.S. - C.M.D.P.) TO ALLOW DWELLINGS WITH WINDOWS WITHIN 30 FT. OF A TRACT BOUNDARY IN LIEU OF THE REQUIRED 35 FT. AND SECTIONS 1801.2 C2 & B.C.Z.R. (V.B.S. - C.M.D.P.) TO ALLOW A MINIMUM DISTANCE OF 50 FT. BETWEEN CENTERS OF FACING WINDOWS AT DIFFERENT BUILDINGS IN LIEU OF THE REQUIRED 40 FT.

RESTRICTIONS
1) 30 DAY APPEAL PERIOD.
2) APPROVAL OF LANDSCAPE PLAN.

DIRECTOR OF ZADM NOTE
THE DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF ZADM BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BUILD CONTROLS AS THEY ARE DELINEATED WITHIN REGULATIONS. ANY PART OF THIS TRACT THAT HAS BEEN UTILIZED FOR OFFICIAL OR SUPPORT DWELLINGS THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL BE LIMITED TO THE CONSTRUCTION OF A DWELLING AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.

REASON FOR 4TH AMENDMENT 4/21/93

1. REVISED PROPOSED DEVELOPMENT FROM 5 STORY MIDRISE 54 UNIT CONDOMINIUM BUILDING, TO 27, 3 STORY CONDOMINIUM UNITS AS SHOWN HEREON.
2. ALL LOTS ON SECTION 2 VALLEY GATE THAT ARE WITHIN 300' HAVE BEEN SOLD, LOTS 25, 27, 28, 29, AND 30. AN AMENDMENT TO THAT PLAN HAS BEEN APPROVED.

CRG PLAN APPROVED 11/14/91
CRG # 35
CRG REFINEMENT APPROVED 3/22/93

OFFICE OF PLANNING AND ZONING
APPROVED BY
[Signature]
DATE 7/1/93

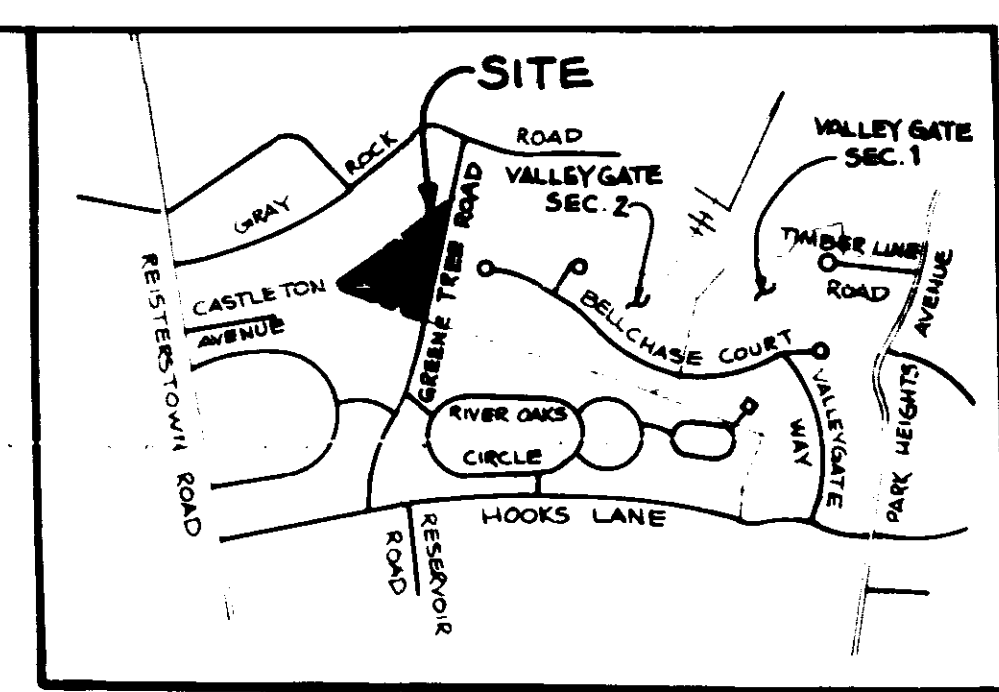
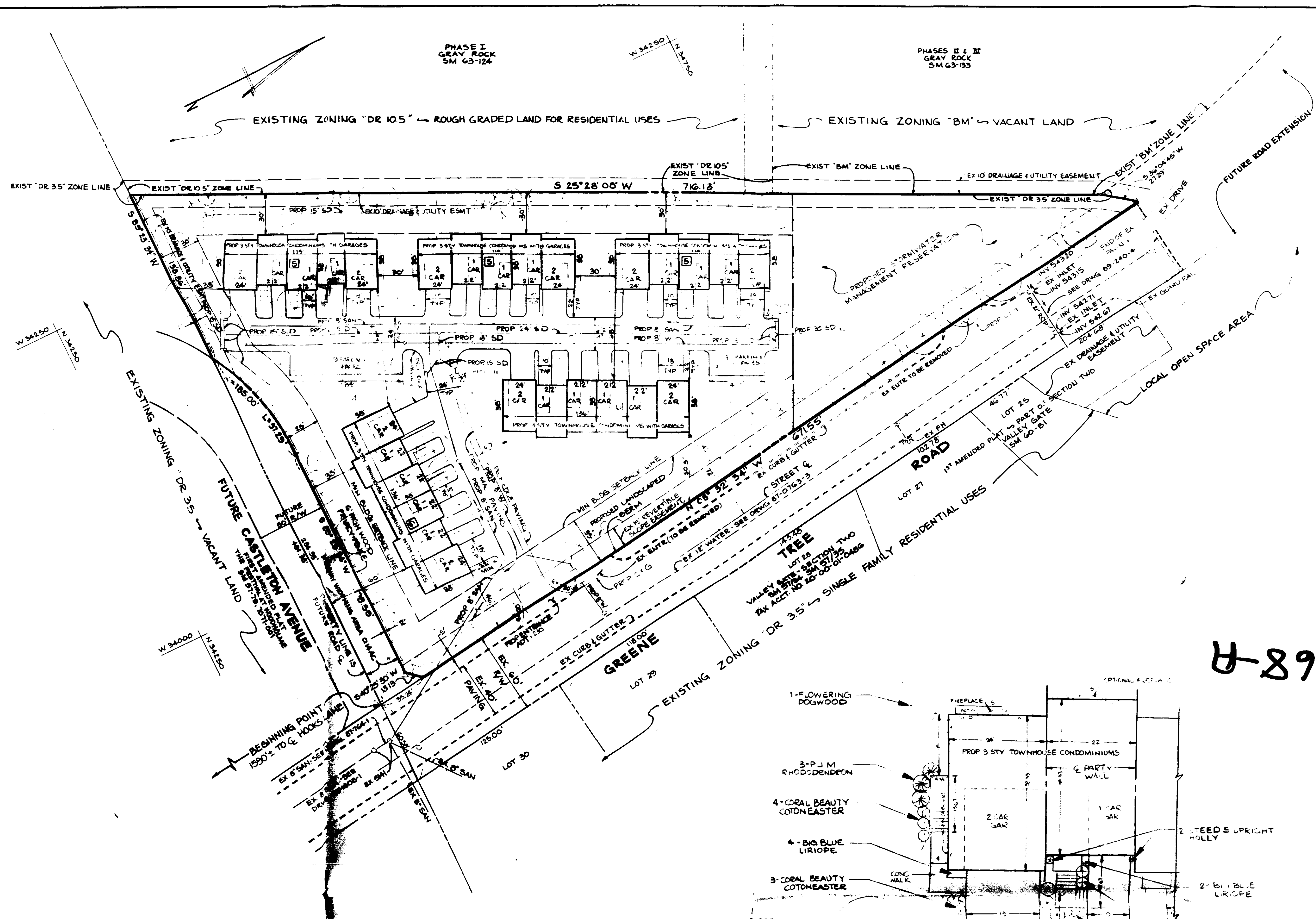
KCI TECHNOLOGIES INC.
ENGINEERS • PLANNERS • SURVEYORS
1020 CROWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204-1101 (410) 321-5400

4TH AMENDED FINAL DEVELOPMENT PLAN FOR "THE MARGATE"
(FORMERLY SECTION THREE VALLEY GATE)
PREVIOUSLY RECORDED 94-6491

OWNER / DEVELOPER
MARGATE JOINT VENTURE
2050 RED BRANCH ROAD SUITE 200
COLUMBIA, MD 21045
(301) 591-7222

DESIGN BY: SLS
DRAWN BY: AJP
CHECKED BY: G.W.

SCALE: 1" = 30'
DATE: APRIL 22, 1993
SHEET NUMBER: 1 OF 1
JOB NUMBER: 01-72225M



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES

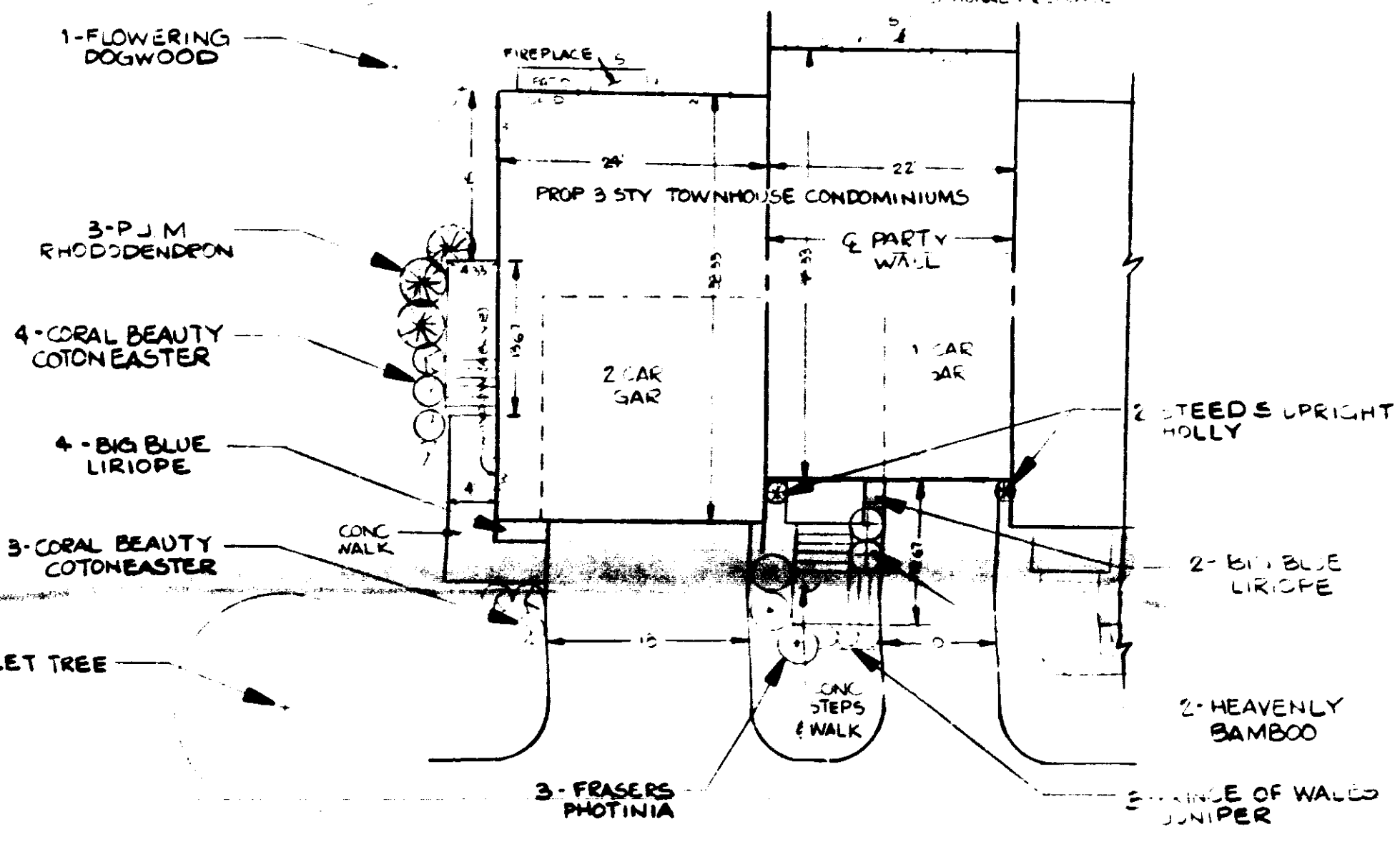
1. AREA OF THE PROPERTY: 59 AC ±, GROSS ACREAGE: 972 AC ±
2. EXISTING ZONING OF THE PROPERTY: DR 3.5
3. EXISTING USE OF THE PROPERTY: VACANT LAND
4. PROPOSED USE OF THE PROPERTY: RESIDENTIAL TOWNHOUSE CONDOMINIUMS (FOR SALE)
5. ALL ROADS AND ALL UTILITIES WITHIN THE PROJECT ARE TO BE PRIVATE
6. TRASH COLLECTION WILL BE BY A PRIVATE CONTRACTOR
7. LANDSCAPING OF THE SITE WILL BE COMPLIANT WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL
8. DENSITY CALCULATIONS: "THE MARGATE"
A. ALLOWED NO. OF DWELLING UNITS: 1302
B. PROPOSED NO. OF DWELLING UNITS: 27 (SEE DENSITY CHART) THIS DRAWING'S PROPERTY IS PART OF VALLEY GATE APPROVED AS AN OVER-ALL PLAN 7/3/80 AND AMENDED 4/27/87 (CRG 11/80/AT, PLANNING 11/80/85)
9. PARKING CALCULATIONS
A. REQUIRED: 71 (1/UNIT: 54 x 1.3 = 70.2 x 1.1)
B. PROVIDED: 71
10. COMMON OPEN SPACE (PER OVERALL PLAN OF VALLEY GATE)
A. REQUIRED:
1. SECTION 1: NONE
2. SECTION 2: 0.78 AC ± (52 x 650 SF)
3. SECTION 3: (THE MARGATE) - 0.40 AC ± (25 x 650 SF)
B. PROVIDED:
1. SECTION 1: NONE
2. SECTION 2: 3.97 AC ± (OWNED & MAINTAINED BY H.O.A.)
3. SECTION 3: (THE MARGATE) - 0 AC ±
11. AVERAGE DAILY TRIPS: 27 x 8.5 = 230

93-368-4

PETITIONER'S EXHIBIT 1

* DENSITY CALCULATIONS CHART			
VALLEY GATE	DWELL. UNITS ALLOWED	DWELLING UNITS PROPOSED	
SECTION 1	26	21 (ONE 5 LOTS MIN. 1 ACRE)	
SECTION 2	196	52 (28 SINGLE FAMILY, 5 COMMO)	
SECTION 3	15	(10000) 27	
TOTAL	147	100	
SECTION 1 DENSITY	1.28 AC ±	1.28 AC ±	1.28 AC ±
SECTION 2 DENSITY	1.28 AC ±	1.28 AC ±	1.28 AC ±
SECTION 3 DENSITY	1.28 AC ±	1.28 AC ±	1.28 AC ±
TOTAL CRUISE ACREAGE	74.38		

* THE MARGATE IS LOCATED ON SECTION 2 "VALLEY GATE" ORIGINALLY APPROVED AS AN OVER-ALL PLAN ON 7/3/80 (OWNED & MAINTAINED BY H.O.A.) DENSITY DETERMINED BY BALTIMORE COUNTY, FROM THE OVERALL DENSITY PLAN OF VALLEY GATE PER SECTION 7/3/80 (1/87)



TYPICAL GROUND FLOOR PLAN / PLANTING PLAN
SCALE: 1" = 10'

LEGEND

- MAJOR DECIDUOUS TREE
- MINOR EVERGREEN TREE
- MINOR FLOWERING TREE
- SHRUB MASS

LANDSCAPE CALCULATION

1. 625 Linear feet interior road - 20 = 32... pa's required.
 2. 620 Linear feet exterior road - 40 = 12... pa's required.
 3. 388 Linear feet of parking lot adjacent right-of-way - 15 = 12... pa's required.
 4. 587 Linear feet of screening water quality pond - 15 = 32... pa's required.
 5. 226 Linear feet of rear lot adjacent to right-of-way - 15 = 32... pa's required.
- Total Planting Units Required: 111
- Total Planting Units Provided:
- 22 Major, 11 Minor, 26 Deciduous, 28 Shrubs, 512 Linear feet of 8" high wood privacy fence.

SITE DATA

1. CRG PLAN 11/87/27, APP'D 11-14-87
2. PLANNING 11/87/27
3. CRUISE TRACT 40/ST 01
4. WATERSHED 27.66/50 WATERSHED 27
5. 11/87/27 11/87/27 20/00 0/14
6. DEED REF: 8254-056

OWNER AND DEVELOPER
MARGATE JOINT VENTURE
9030 RED BRANCH RD. SUITE 200
COLUMBIA, MD 21045
ATTN: MR. DALE ADAMS, 301-957-7227

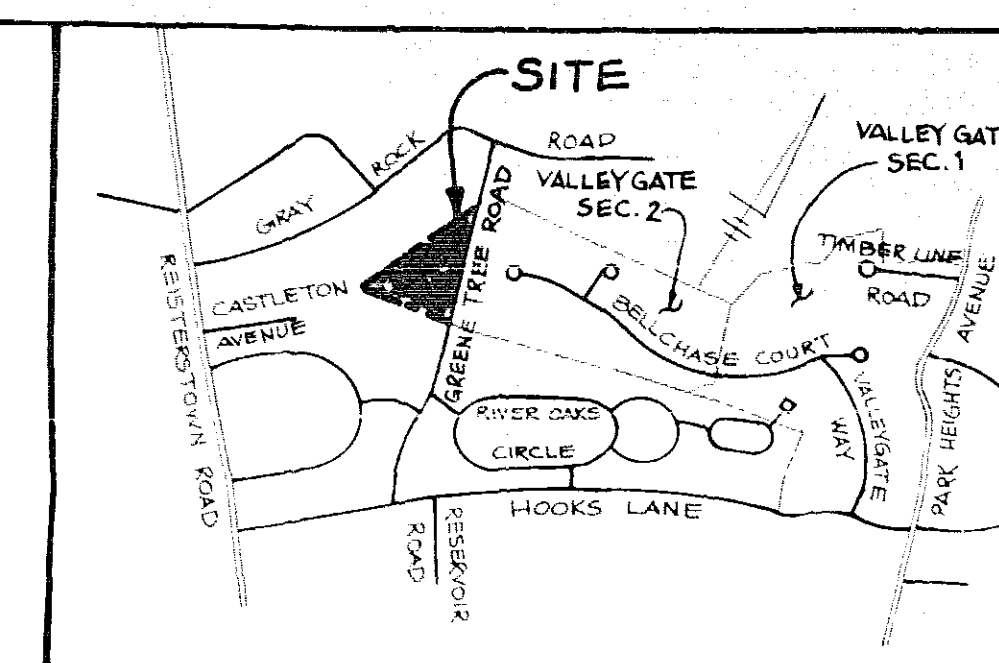
KCI TECHNOLOGIES INC.
ENGINEERS • PLANNERS • SURVEYORS
1200 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21201-1560

PLAT TO ACCOMPANY PETITION FOR VARIANCES AT "THE MARGATE"

(FORMERLY SECTION THREE VALLEY GATE)
WEST SIDE OF GREENE TREE ROAD, 1550 ± NORTH OF HOOKS LAKE
ELECTION DIST. 11/85 CONGRESSIONAL DISTRICT 11/85 BALTIMORE COUNTY, MD

DESIGN BY	SCALE	DATE	SHEET NUMBER	JOB NUMBER
DESIGNED BY: AUP	1" = 30'	APRIL 7, 1993	1 OF 1	1-20055.M
CHECKED BY: AUP				

DATE	REVISION	NO.



SCALE: 1" = 1000'

AREA OF THE PROPERTY: 3.93 AC., GROSS ACRES: 3.12 AC.
NET AREA: 3.93 AC.

2. EXISTING ZONING OF THE PROPERTY "R-3" (R-3)

3. EXISTING USE OF THE PROPERTY "VACANT LAND"

4. PROPOSED USE OF THE PROPERTY "RESIDENTIAL TOWNHOUSE CONDOMINIUMS" (FOR SALE)

5. ALL UTILITIES ARE WITHIN THE PROJECT ARE TO BE PRIVATE

6. INSTALLATION WILL BE WITH A PRIVATE CONTRACTOR

7. LANDSCAPING OF THE SITE WILL BE COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL

8. DESIGN REGULATORY AGENCIES: DEPARTMENT OF VALLEY GARDEN

A. ALLOWED NO. OF DWELLING UNITS: 15-20

9. PROPOSED NO. OF DWELLING UNITS: 27 (15% DENSITY BONUS) (15% DENSITY BONUS) (15% DENSITY BONUS)

10. APPROVED AS AN OVER-ALL PLAN 7/3/80 AND 11/1/80 (15% DENSITY BONUS) (15% DENSITY BONUS) (15% DENSITY BONUS)

11. PARKING CALCULATIONS:

A. REQUIRED: 171 (27UNIT \times 54 \times 13 = 102.17)

B. AVAILABLE: 11

12. COMMON OPEN SPACE: (PER OVERALL PLAN OF VALLEY GARDEN)

A. REQUIRED:

1. SECTION 1, 1.000

2. SECTION 2, 0.78 AC. (50 \times 60 S.F.)

3. SECTION 3, (THE MARGATE) = 0.40 AC. (25 \times 60 S.F.)

B. PROVIDED:

1. SECTION 1, 1.000

2. SECTION 2, 0.397 AC. (OWNED MAINTAINED BY H.O.A.)

3. SECTION 3, 0.397 AC. (OWNED MAINTAINED BY H.O.A.)

13. AVERAGE DAILY TRIPS: 271 \times 85 = 230

* DENSITY CALCULATIONS CHART

DENSITY CALCULATING CHART					
VALLEY GATE	DWELL UNITS ALLOWED	DWELLING UNITS PROPOSED			
SLECTION 1	108	71 (MC & LOTS MIN. 1 ACRE)			
SLECTION 2	120	57 (4# SINGLE FAMILY, 4 CONDOS)			
SLECTION 3	155	(CONDOS) 27			
TOTAL	185	150			
SLECTION 1 - DENSITY					
OR, 1.5 = 1.28 AC. @ 1.5 = 0.18 (.51)					
OR, 1.5 = .94 AC. @ 1.5 = .59 (.50)					
OR, 1.5 = .64 AC. @ 1.5 = .35 (.55)					
SLECTION 2 - DENSITY					
OR, 1.5 = 1.30 AC. @ 1.5 = .18 (.69)					
SLECTION 3 - DENSITY					
OR, 3.0 = 0.72 AC. @ 1.5 = 12.00 (.33)					
TOTAL CROSS-ACREAGE		74.56			

* THE MARGINE IS LOCATED ON SECTION 9 "VALLEY GATE" ORIGINALLY
 DEVELOPED BY THE CITY OF BIRMINGHAM AND ADJACENT TO THE
 DENSITY UTILIZED FOR TRIMMING, DECIDUOUS TREES AND GENERAL DENSE
 FLAN ON VALLEY GATE FOR SECTION 10 (1A) & 10 (B) C.

* THE MARGINE IS LOCATED ON SECTION 3 "VALLEY GATE" ORIGINALLY APPROVED AS AN OVERALL PLAN ON 7/3/85 (AMENDED 4/27/87). THE DENSITY UTILIZED IS REMAINING, UNUSED, FROM THE OVERALL DENSITY PLAN OF VALLEY GATE PER SECTION 1801.2 A (BCSR)

17. W. J. L. B. van der Wal, *Journal of Polymer Science, Part A: Polymer Chemistry*, **12**, 1209 (1974).

"THE MARGATE"

SECTION DIST. N-3 LONGPANE DISTRICT N3 BALTIMORE COUNTY, MD.

DESIGN BY: <u>RLS</u>	SCALE	DATE	SHEET NUMBER	JOB
DRAWN BY: <u>AJP</u>	<u>1" = 30'</u>	<u>APRIL 7, 1993</u>	<u>1</u> OF <u>1</u>	NUMBER
CHECKED BY: <u>R-S</u>				<u>1-76055 M</u>

LANDSCAPE CALCULATION

1. 625 Linear feet interior road - 20 = 32 p.u.'s required.
2. 670 Linear feet adjacent road - 40 = 17 p.u.'s required.
3. 188 Linear feet of parking lot adjacent right-of-way - 15 = 13 p.u.'s required.
4. 467 Linear feet of screening water quality pond - 15 = 32 p.u.'s required.
5. 276 Linear feet of rear lot adjacent to right-of-way - 15 = 19 p.u.'s required.

Total Planting Units Required 113

Total Planting Units Provided

59 Major, 18 Minor, 26 Evergreen, 61 Shrubs.

419 Linear feet of 6' high wood privacy fence.

SCALE: 1 = 10

1. CRG PLAN N° 91273, APPD 11-4-91.
2. PLANNING U# III-334
3. CENSUS TRACT 4037-01
4. WATERSHED 27, 60356 WATERSHED 6
5. TAX ACCT 119 20-00 01987
6. DEED REF. B258-088

OWNER AND DEVELOPER
MARGATE JOINT VENTURE
9030 RED BRANCH RD. SUITE 200
COLUMBIA, MD. 21045
ATTN: MR. DALE ADAMS, 301-997-722